

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRINA THOMAS, TYRONE JOHNSON,

Plaintiff,

DOCKET NO.

-against-

SMITH CARROAD LEVY & FINKEL, LLP
1012 NAMEOKE REALTY LLC

Defendants.

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NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441, et seq., defendants, SMITH, CARROAD, LEVY, WAN & PERIKH, P.C., sued herein as SMITH CARROAD LEVY FINKEL, LLP, and 1012 NAMEOKE REALTY, LLC removes this civil action from the Supreme Court of the State of New York, County of Queens, to the United States District Court for the Eastern District of New York.

I. PROCEEDINGS TO DATE

On or about October 20, 2020, plaintiff, TRINA THOMAS and TYRONE JOHNSON, filed a Summons with Notice, dated October 20, 2020, in the civil action captioned *TRINA THOMAS, TYRONE*

JOHNSON, Plaintiff/Petitioner, against, SMITH CARROAD LEVY & FINKEL, LLP, 1012 NAMEOKE REALTY, LLC, Defendant/Petitioner, Index No. 0719409/2020, in the Supreme Court of the State of New York, County of Queens. Defendants, have not been served with the Summons with Notice. The notice alleges a violation of the Fair Debt Collection Practices Act, and plaintiffs seek statutory and actual damages as well as attorney fees and other relief.

Copies of all pleadings and other papers plaintiffs previously filed with the Supreme Court, Queens County, are annexed hereto as Exhibit "A," as required by 28 U.S.C. Section 1446.

II. GROUND FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit "A".) Accordingly, according to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiffs' action is pending in the Supreme Court of the State of New York, County of Queens, which is within this

judicial district and division. 28 U.S.C. Section 112(c). The United States District Court for the Eastern District of New York is the District Court and Division within which SMITH CARROAD LEVY WAN & PARIKH, P.C., and 1012 NAMEOKE REALTY, LLC may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. Defendants, SMITH, CARROAD, LEVY WAN & PARIKH, P.C., sued herein as SMITH CARROAD LEVY & FINKEL, LLP, and 1012 NAMEOKE REALTY, LLC have not been served with a copy of the Summons with Notice. Plaintiff has not yet filed an Affidavit of Service. This notice of Removal complies with 28 U.S.C. Section 1446(b).

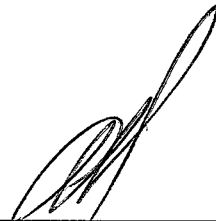
V. NOTICE

Pursuant to 28 U.S.C. Section 1446(b), defendants are simultaneously filing a copy of this Notice of Removal with the Supreme Court of the State of New York, County of Queens. Plaintiffs' counsel is also being served with a copy of this Notice of Removal.

V. CONCLUSION

For the foregoing reasons, defendants, SMITH, CARROAD, LEVY, WAN & PARIKH, P.C., sued herein as SMITH, CARROAD, LEVY & FINKEL, LLP, and 1012 NAMEOKE REALTY LLC respectfully request that this action, previously pending in the Supreme Court of the State of New York, County of Queens, be removed to this Court, and that this Court proceed as if this case had been originally initiated in this Court.

Dated: New City, NY
December 18, 2020



ARTHUR SANDERS, ESQ.
BARRON & NEWBURGER, P.C.
Attorney for defendants
30 South Main Street
New City, NY 10956
845-499-2990

EXHIBIT A

FILED: QUEENS COUNTY CLERK 10/20/2020 03:52 PM

INDEX NO. 719409/2020

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 10/20/2020

SUPREME COURT OF THE STATE OF NEW YORK Index No.: _____
COUNTY OF QUEENS

-----x Date Purchased: _____

TRINA THOMAS, TYRONE JOHNSON,

SUMMONS WITH NOTICE

Plaintiffs,

Plaintiff's Address:324 Beach 59th St, Apt. 6H
Arverne, NY

-against-

SMITH CARROD LEVY & FINKEL, LLP,
1012 NAMEOKE REALTY LLC,Basis of Venue:

Plaintiff's Residence

Defendants.

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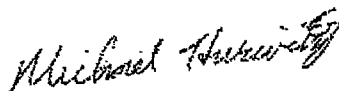
To the above named Defendant(s):

PLEASE TAKE NOTICE that you are hereby summoned to appear in this action by serving a notice of appearance on the Plaintiff(s) at the address set forth below within 20 days after the service of this summons, (not counting the day of service itself), or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: New York, N.Y.
October 20, 2020

THE HURWITZ LAW FIRM, P.C.



BY:

MICHAEL L. HURWITZ
342 WEST 47TH STREET, 1 FL
NEW YORK, N.Y. 10036
TEL: (212) 221-9890
FAX: (212) 390-1630
EMAIL: info@TheHurwitzLawFirm.com
(not for service)

ATTORNEYS FOR PLAINTIFFS
TRINA THOMAS and
TYRONE JOHNSON

FILED: QUEENS COUNTY CLERK 10/20/2020 03:52 PM

INDEX NO. 719409/2020

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 10/20/2020

Defendant to be served:

SMITH CARROAD LEVY & FINKEL, LLP
5036 JERICHO TURNPIKE
COMMACK, NY 11725

1012 NAMEOKE REALTY LLC
2003 AVENUE J, SUITE 1C
BROOKLYN, NEW YORK, 11210

FILED: QUEENS COUNTY CLERK 10/20/2020 03:52 PM

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RECEIVED NYSCEF: 10/20/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
TRINA THOMAS, TYRONE JOHNSON,

Index No.: _____

Plaintiffs,

-against-

NOTICE

SMITH CARROAD LEVY & FINKEL, LLP,
1012 NAMEOKE REALTY LLC,

Defendants.
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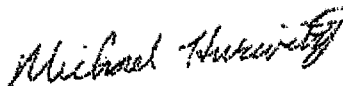
The nature of this action is for unfair and deceptive acts and practices in violation of NY GBL § 349 and the Fair Debt Collection Practices Act 15 U.S.C. 1692 *et seq.*, vicarious liability and respondeat superior. The violations include making false statements in the debt collection process and fraud in residential leasing, from 2015 or prior through October 21, 2019.

The relief sought is compensatory and punitive damages in excess of the monetary jurisdiction of all lower courts for the Plaintiff, plus attorneys' fees, costs and disbursements.

Should Defendant(s) fail to appear, judgment will be entered by default, together with interest and the costs of this action.

Dated: New York, N.Y.
October 20, 2020

THE HURWITZ LAW FIRM, P.C.



BY:

MICHAEL L. HURWITZ
342 WEST 47TH STREET, 1 FL
NEW YORK, N.Y. 10036
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ATTORNEYS FOR PLAINTIFFS
TRINA THOMAS and
TYRONE JOHNSON